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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1294th meeting
Held at the Palais des Nations, Geneva, on Friday, 27 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of Maldives (continued)
(CEDAW/C/MDV/4-5; CEDAW/C/MDV/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Maldives took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Maumoon** (Maldives) said that the Government was committed to preventing and raising awareness of illegal and unsafe abortions, particularly among adolescents. Despite a lack of relevant data, it was convinced that the number of such abortions was low.

3. **Ms. Jennifar** (Maldives) said that a mechanism was in place in health facilities for reporting unsafe abortions. No complaints had so far been received and any estimates of the number of illegal or unsafe abortions were anecdotal and unverified. The Government planned to conduct an assessment of family planning services in 2015 to gauge the level of unmet need given the contraceptive prevalence rate of some 35 per cent.

4. **Ms. Maumoon** (Maldives) said that, although there was no national minimum wage, the principle of equal pay for equal work was respected and the Government intended to strengthen labour legislation further. Women had formerly been discouraged from entering the tourism industry because of a perceived threat to their safety. Sex tourism was not, however, a major problem in Maldives.

5. **Ms. Hameed** (Maldives) said that the Employment Act of 2008 prohibited sex discrimination. The Employment Tribunal, which had five male and two female members, had received more complaints from men than women in 2013.

6. The low level of female participation in the tourism sector was partly due to the difficulty for women to reside in resorts on isolated islands. In recent years, the opening of hotels and guest houses on inhabited islands had gone some way towards addressing the issue. The fourth Tourism Master Plan aimed to attract more women to the sector by opening up career paths, promoting female entrepreneurship and enhancing safety in the workplace.

7. **Ms. Maumoon** (Maldives) said that the Government had made it compulsory for migrant workers to have an employment contract and medical insurance before entering Maldives and that sending States had also strengthened protection measures in that regard.

8. **Ms. Zou** Xiaoqiao, noting that, in paragraph 70 of the replies to the list of issues (CEDAW/C/MDV/Q/4-5/Add.1), it was stated that, in practice, reproductive health services were provided only to married couples, asked why contraceptives were not readily available to all and what the State party was doing to rectify the situation.

9. **Ms. Gbedemah** said that, according to alternative sources, one of the reasons behind the low enrolment rate of girls in education was a rise in fundamentalism. The delegation should describe any measures taken to counter the trend.

10. Noting that persons under 18 could re-enter the school system without restriction provided that they were not married, she asked what approach was taken in the case of female rape victims who had been forced to marry the perpetrator. She also enquired about the lack of data on complaints of sexual harassment filed with the Employment Tribunal. The delegation should indicate whether any such cases had been brought and, if not, why not.

11. **Ms. Maumoon** (Maldives) said that contraceptives were widely available throughout the country, including through the private market, where no distinction was drawn on the basis of marital status. The Government was reaching out to young and unmarried people to raise awareness of sexual and reproductive health issues, with particular attention given to high-risk groups such as drug users.

12. **Ms. Jennifar** (Maldives) said that more qualitative research was needed to assess challenges in the area of sexual and reproductive health. The Government had adopted standards for adolescent-friendly health services, which it planned to introduce in all sexual health facilities.

13. **Ms. Azza** (Maldives) said that while there were currently no mechanisms in place for girls to re-enter school when they dropped out to marry, the Government was cooperating with the United Nations Children's Fund to provide an alternative general education to victims of abuse, girls who had become pregnant and other children who had dropped out for various reasons. Official data suggested that an equal number of boys and girls were out of school and that most came from broken homes.

14. **Ms. Maumoon** (Maldives) said that the Government took reports that an increase in conservatism was keeping girls out of school very seriously and closely monitored data on education. However, available data did not point to a worrying trend in that regard. Maldivian society had always given high priority to education for both boys and girls.

15. **Ms. Hameed** (Maldives) said that no cases of sexual harassment had been brought before the Employment Tribunal. The Government was, however, committed to making workplaces safe for all, particularly women. The Sexual Harassment and Abuse Prevention Act of 2014 required companies with more than 30 employees to set up a committee to deal with sexual harassment complaints and allowed individuals who were unhappy with the handling of their complaint to appeal to the Employment Tribunal. As the Act had been passed only recently, time would be needed to ensure its effective implementation.

16. **Ms. Pomeranzi** asked whether the State party intended to investigate the causes of the disproportionately low level of female participation in the retirement pension scheme and adopt strategies to raise it. The delegation should indicate whether the Government planned to conduct a gender analysis of the legislation underpinning the minimum social protection floor mentioned in paragraph 183 of the State party report (CEDAW/C/MDV/4-5) and provide data on the degree to which different groups of women benefitted from that floor. She asked whether the Government could intervene to address gender disparities in home ownership and, if so, how. It would also be useful to receive information on microcredit schemes.

17. Noting that women's organizations were often not considered stakeholders in the planning of environmental programmes, she asked whether the Government appreciated the importance of empowering rural women, who possessed a great deal of traditional knowledge, and whether it had adopted any specific policies to facilitate their participation.

18. **Ms. Maumoon** (Maldives) said that the Government would look into women's access to the retirement pension scheme and develop appropriate strategies. State-owned land was distributed equitably in Maldives, where land scarcity was a problem affecting everyone.

19. **Ms. Hameed** (Maldives) said that a number of challenges still needed to be met with respect to housing: in 2013, more men had been allocated flats than women, despite the fact that there had been more female applicants. However, farmland was distributed equitably and a growing number of women were moving into the agricultural sector.

20. Since 2012, under the Sabah project, the Ministry of Economic Development had been endeavouring to boost the employment of women who worked from home by

providing them with training and helping them to market their handicrafts and food products locally and overseas. Two business development centres had been opened in the country and four more were planned. Loan schemes had also been established for small and medium enterprises, with women accounting for 40 per cent of the beneficiaries.

21. **Ms. Maumoon** (Maldives) said that the Government was committed to increasing the number of women representatives in island councils and valued the input of rural women in activities related to climate change and the environment.

22. **Ms. Hameed** (Maldives) said, with regard to the question of empowering island women, that training programmes had been organized in three atolls to train women in business skills and give them a more organized approach. Other programmes would be conducted. She added that the President had convened a committee with the mandate of developing a strategy for the economic empowerment of women in atolls.

23. **Ms. Pomeranzi** asked what the State party's concept of economic empowerment was. In her view, it did not relate simply to access to microcredit but rather to the possibility of participating in the whole planning process.

24. **Ms. Hameed** (Maldives) said that one of the tasks of the island women development committees was to contribute to the development plans of islands in partnership with the island councils. That would give the opportunity to bring in women's voices, because there were women on some of the island councils and atoll councils, although the councils were currently not operating with full efficiency.

Articles 15 and 16

25. **Ms. Gbedemah** said that the independence of the judiciary and the creation of a positive atmosphere in the judicial system were indispensable factors in ensuring access to justice by women. If women felt intimidated, they might not wish to take part in the system.

26. The fact that persons under 18 could marry, with the permission of the registrar of marriages, if they had attained puberty, undermined the rationale of establishing an age limit. Even if passing the basic school certificate was one of the criteria required, the fact was that, if a girl was pregnant, the marriage would surely be allowed, even if she had no school certificate. She also asked why the solemnization of marriage excluded women, who would often be in a position to prevent undesirable underage marriages. As for polygamy, she noted that permission depended on a financial assessment of the man concerned. She asked how such an assessment was monitored and how the veracity of the information was checked.

27. She noted that both partners to an illegal cohabitation were subject to the sanction of flogging. She requested data on such sanctions, so that the Committee could judge whether the two partners were treated equally. Even if they were, the stigma of flogging was worse for a woman than for a man.

28. She noted that marital rape was not an offence under the Sexual Offences Act of 2014, except when the parties were separated or not living together. Moreover, in a rape case, the testimony of two males or four females was required. She asked how the Government intended to revise such provisions in order to allow a rape case to proceed on the basis of forensic evidence or the testimony of only one person. The provisions on inheritance were also discriminatory and she requested sex-disaggregated data on the number of marriages and divorces.

29. **Ms. Maumoon** (Maldives) said, with regard to the justice system, that some progress had been made with the appointment of women judges, but more needed to be done to raise confidence in the system, particularly among women. With regard to the minimum age of marriage, it was a positive step forward within her country's culture

simply to have established a minimum age. The reasoning behind the fact that some underage marriages were permitted was that such a course of action was preferable to an unwanted pregnancy or unsafe behaviour. Early marriages were, however, discouraged and their prevalence was, as the statistics showed, very low. It was recognized that early marriage compromised a girl's access to employment and an income. As for polygamy, she said that steps had been taken to reduce the negative impact of polygamy on women. Not only was a financial investigation carried out, but also the consent of a man's other wives had to be obtained. Again, the practice was not widespread. Divorce was a far more pressing problem.

30. **Ms. Hameed** (Maldives) said, with regard to the case in 2012 in which a minor had been sentenced to flogging for illicit sexual relations, that the sentence had been deferred until she reached the age of majority. The High Court had then overturned an appeal by the girl and the Government had not appealed against the High Court decision. A precedent had thereby been established. As for the incidence of underage marriage, it was a concern for the Government and the Ministry of Gender and Family had asked the islands to provide data on the situation. So far, it had been informed of only five cases. As for the question of marital rape, the Sexual Offences Act of 2014 had gone a long way towards criminalizing it, in that it deemed sexual relations unacceptable in certain circumstances: during the dissolution of a marriage in court; while a divorce was pending; with a view to intentionally transmitting a communicable disease; and during a mutually agreed separation.

31. **Ms. Maumoon** (Maldives) said that the Sexual Offences Act had broken new ground, even though it did not specifically refer to marital rape. As for access to divorce, she noted that women, too, were entitled to divorce, particularly in cases of domestic violence. As for the question of maintenance, the Government was committed to ensuring that maintenance was paid by fathers, although more work was needed to improve the situation.

32. **Ms. Hameed** (Maldives) said, with regard to domestic violence, that the Government was trying to raise awareness among women of the importance of protecting evidence of such violence: for example, they were urged not to clean themselves up before seeking medical help.

33. **Ms. Gbedemah** said that, according to her understanding, the author of the pregnancy of the 15-year-old girl sentenced to flogging was her father and she asked what action had been taken against him and what would be done to review and correct the relevant law.

34. **Ms. Gabr** urged the State party to observe and adopt the best practices of other Muslim countries, where women were able to live in harmony with the precepts of Islam and enjoy human rights.

35. **Ms. Jahan**, after endorsing Ms. Gabr's comments, asked how the rights of non-Muslim women were addressed in marriage and divorce. She asked whether separate laws applied to them. As for the President's declaration of zero tolerance of violence against women, she asked whether any legislation had been initiated, or planned, to deal with the negative consequences of divorce and ensure the equal distribution of matrimonial property following divorce.

36. **Ms. Maumoon** (Maldives) said that the Government would take full account of the Committee's remarks about the work of other Muslim countries with regard to the application of Islam. The Government had also been working with Musawah, the non-governmental organization based in Malaysia which had been responsible for much progress in that area.

37. **Ms. Hameed** (Maldives) said that the 15-year-old girl sentenced to flogging had been taken into State care and was currently enrolled in a programme that would provide her with job opportunities and keep her safe until she had completed her rehabilitation. She added that the father of her child had been not her own father but her stepfather. The case against him was continuing. As for the division of property, she said that an amendment to the Family Act had been sent to the People's Majlis to ensure that matrimonial property and assets were divided equitably in cases of divorce. The introduction of prenuptial agreements was also a step forward, but women needed to be made more aware of that option.

The discussion covered in the summary record ended at 4.20 p.m.